IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 4141 of 1999

For Approval and Signature:

HONOURABLE MR.JUSTICE K.A.PUJ

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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RAMABEN SRINIVAS THAKORE WIFE OF LATE SRINIVAS C.THAKORE - Petitioner(s)

Versus

GUJARAT STATE FOREST DEVELOP CORPN LTD & 2 - Respondent(s)

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Appearance :
MR TS NANAVATI for Petitioner(s) : 1, 1.2.1, 1.2.2, 1.2.3,1.2.4
NANAVATI ASSOCIATES for Respondent(s) : 1,
RULE NOT RECD BACK for Respondent(s) : 2,
RULE SERVED for Respondent(s) : 3,

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CORAM : HONOURABLE MR.JUSTICE K.A.PUJ

Date : 13/01/2006

ORAL JUDGMENT

1. The original petitioner Shrinivas Chhotalal Thakore has expired during the pendency of this petition and his legal heirs are brought on record vide order passed by this Court on 19.11.2003 in Civil Application No.7940 of 2003. The petitioner in this petition has prayed for quashing and setting aside the resolution of the Niyamak Committee dated 11.03.1994 more particularly item no.93.2 pertaining to the petitioner and the communication dated 11th March, 1994 bearing no.MHK/94/353/2/8625 passed in pursuance thereof on the ground that same is unconstitutional, arbitrary and violative of Article 14, 16 and 21 of the Constitution of India. The petitioner has also prayed for direction to the respondents to pay to the

petitioner the post retiremental benefits in the shape of gratuity (length of service of the petitioner being 12 years-6 months pay last drawn at the rate of Rs.8633) Rs.51798/, Leave Encashment (8 months – at the rate of Rs.8633/-) Rs.69,064/- and one month's notice pay (Rs.8633/-) thus in all accumulating to a sum of Rs.1,29,495/- alongwith interest to be calculated at the rate of 18% per annum from 11th March, 1994, to be disbursed withiin such period as this Court may deem fit to direct.

2. The petition was admitted on 10/08/1999. Affidavit in reply was filed by the respondent. The respondent also filed criminal complaint against the petitioner wherein the petitioner was acquitted. Thereafter, an appeal alongwith the application for condonation of delay is filed by the respondent which was rejected by this

Court and the criminal proceedings initiated against the petitioner, were terminated at that stage.

3. This petition has come up for hearing before vacation. The court has heard Mr.T.S.Nanavati learned advocate for the petitioner and Mr.Prabhav Mehta learned counsel for respondent corporation. After hearing the parties, the court has observed that the claim was made by the petitioner who was Company Secretary in the respondent corporation for retiral benefits of Rs.1,29,000/-. The petitioner has expired and his legal heirs were brought on record. The court has therefore suggested that instead of going into the merits of the matter it should amicably be decided. Mr.Mehta has, therefore, asked time to take further instruction.

4. Today Mr.Prabhav Mehta draws attention of

this Court to letter dated 24th November, 2005. He has submitted that on the basis of the court's suggestion, the respondent through his advocate, agreed to pay Rs.1 lac towards full and final settlement of his claim made in the petition. It has been instructed that a cheque of the said amount should be drawn by the respondent corporation in favour of the wife of the petitioner viz. Ramaben Shrinivas Thakore and the said cheque may be collected by any of the sons of the petitioner from the office of the respondent corporation. The cheque will be given by the respondent corporation to the petitioner within 2 weeks from the date of receipt of the writ of this Court or from the date of receipt of the certified copy of the order, whichever is earlier.

5. Since there is amicable settlement between the parties, without going into the

merits, the petition is disposed of on the above-said terms. Liberty to apply in case of difficulty or need so arises in future. Rule is discharged without any order as to costs. Direct Service is permitted.

(K.A.PUJ, J.)

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